



## THE CITY OF SAN DIEGO

June 4, 2008

Ross Johnson, Chairman  
& Commissioners Hodson, Huguenin, Leidigh, and Remy  
Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814

Re: Agenda Item 11 (Meeting of June 12, 2008); Legal Defense Funds for Local  
Candidates and Officers

Dear Chairman Johnson and Commissioners:

I am writing on behalf of the San Diego Ethics Commission regarding proposed FPPC Regulation 18530.45, relating to legal defense funds for local candidates and officers.

We believe that there is some ambiguity in subdivision (b)(2) of the proposed Regulation, which is intended to allow local agencies to impose their own legislative framework for legal defense funds, subject to certain minimum standards in the areas of reporting, recordkeeping, and the establishment of a legal defense fund and committee. As presently written, subdivision (b)(2) allows different "requirements" but then proceeds to say that the "requirements" must be at least as strict as those provided in subdivisions (c), (e), and (f). Thus, one may infer from the Regulation that only "requirements" relevant to (c), (e), and (f) may be different, and the rest of the Regulation necessarily applies to local agencies that have adopted their own comprehensive legal defense fund laws. Clearly, that is not the intent of the Regulation as set forth in the May 28, 2008, Memorandum to the Commission from Commission Counsel Emelyn Rodriguez and Commission General Counsel Scott Hallabrin. We believe that the confusion stems from the two instances of the word "requirements" in subdivision (b)(2), where the second instance of the term is intended to be much narrower than the first instance, but where that intent is not plainly stated.

During the course of discussing this matter with Ms. Rodriguez on June 3, 2008, our offices agreed that the following amendment to proposed subdivision (b)(2) would clarify the intent of the Regulation:

A local government agency may impose different requirements, including a contribution limit, on a legal defense account and legal defense committee maintained by a candidate or officer in its jurisdiction so as long as the its requirements regarding establishment of the committee, recordkeeping, and reporting are at least as strict as those provided in subdivisions (c), (e), and (f) of this regulation.



### Ethics Commission

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By incorporating the above recommendation, we believe that this Regulation would be much clearer with regard to the ability of local agencies to adopt legal defense fund rules that fit their respective jurisdictions.

Sincerely,



Stacey Fulhorst  
Executive Director

cc: Emelyn Rodriguez, Commission Counsel